

BILL ANALYSIS

S.B. 130
By: Nelson
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A prosecutor who represents a party in a proceeding for a family violence protective order is currently allowed to represent the Department of Family and Protective Services (DFPS) in a subsequent action that involves the party without such representation constituting a conflict of interest. S.B. 130 seeks to clarify that there is also no conflict of interest when a prosecutor representing DFPS in an action involving a party also assists that party with obtaining a family violence protective order.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 130 amends a Family Code provision relating to representation by a prosecuting attorney in a family violence protective order proceeding and in certain other actions to clarify that, subject to the Texas Disciplinary Rules of Professional Conduct, a prosecuting attorney is not precluded from representing a party in a family violence protective order proceeding and the Department of Family and Protective Services in another action involving the party, regardless of whether the family violence protective order proceeding occurs before, concurrently with, or after the other action involving the party.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.